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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,347	03/17/2004	Stephen S. Griffin	GR-04-01	3639
27408	7590	07/27/2005	EXAMINER	
DAVID L. TINGEY LAW OFFICE OF DAVID L. TINGEY 15 SOUTH GRADY WAY SUITE 336 RENTON, WA 98055			ADDIE, RAYMOND W	
			ART UNIT	PAPER NUMBER
			3671	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/802,347

**Applicant(s)**

GRIFFIN, STEPHEN S.

**Examiner**

Raymond W. Addie

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, 5, 17, 18, 24-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Sherrer et al. # 6,722,721 B2.

However, Sherrer et al. discloses a portable, foldable ramp comprising:

A plurality of hinged ramp sections (20A-D), which are foldable in a nested manner and can be further disposed to form an arching ramp assembly, see Figs. 1-4.

Each ramp section further comprising:

A runway (25) mounted upon transversely disposed end members and longitudinally disposed reinforcing ribs.

A hinge bar (26) connecting adjacent ramp sections (20A-D) together, such that;

Said transversely disposed end members (not numbered, see Figs. 2, 4), of each ramp section (20A-D), such that adjacent end members abut against one another, when deployed in the unfolded position, such that load forces are conveyed through abutted sections to ramp ends. Said hinge being spaced below said end members in order to permit end member abutment. Wherein said hinges respectively connecting the

abutting section ends are disposed under a runway lower surface such that all sections curl together in a same first direction of rotation to fold and uncurl in a 2<sup>nd</sup> direction of rotation, opposite said 1<sup>st</sup> direction of rotation to unfold. Sherrer et al. further discloses it is advantageous to graduate the lengths of the hinged ramp sections, to facilitate nesting the sections when folded.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 25, 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilson # 3,352,440.

Wilson discloses a portable, foldable ramp assembly (14) comprising:

1<sup>st</sup> and 2<sup>nd</sup> ramp sections (15, 16) disposed in end to end fashion, each section (15, 16) further comprising: A runway (28), a plurality of end members (27), disposed at the transverse ends of the adjacent ramp sections (15, 16); a hinge assembly (19), including a hinge bar (29). Wherein said ramp sections can be unfolded to form an extended ramp assembly, such that intended load forces applied to the ramp assembly are conveyed through abutted sections to the ramp ends. See Figs. 1-3; cols. 2-4.

***Claim Rejections - 35 USC § 103***

3. Claims 3, 6, 9, 10, 14, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sherrer et al. # 6,722,721 in view of Renze et al. # 6,378,926 B1. Sherrer et al. disclose a foldable ramp section having transverse end members and longitudinally disposed reinforcing ribs (unnumbered, See Figs. 2, 4) spaced above a simple hinge assembly (26). Such that said ramp sections can be nested one inside the other. But does not disclose providing the reinforcing ribs with downwardly depending "hinge ears". However, Renze et al. teaches it is advantageous to provide foldable ramp assemblies (20) with offset hinge assemblies (34), in order to increase the load strength of the ramp assembly. See Col. 4, Ins. 6-22. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the foldable ramp of Sherrer et al., with "hinge ears", as taught by Renze et al., in order to increase the load strength of the foldable ramp assembly.

4. Claims 7, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sherrer et al. # 6,722,721 in view of Renze et al. # 6,378,926 B1, as applied to claim 6 above, and further in view of Schomaker et al. # 6,701,563 B2. Sherrer et al. in view of Renze et al., disclose a foldable ramp having a plurality of ramp sections of different dimensions, wherein said ramp sections can be nested one inside the other. Such that an upper section (when in the folded position), is wider than an adjacent lower ramp section, such that the lower section can be nested inside said

upper section. See Fig. 7, of Sherrer et al. What Sherrer et al. in view of Renze et al., do not disclose is arranging the ramp sections such that the upper section is dimensionally smaller than an adjacent lower ramp section (when in the folded position), such that the upper section "fits within the lower section".

However, Schomaker et al. teaches it is known to form folding ramps (10) having an upper and lower section (when folded), such that the either section (12 or 14) is dimensionally smaller than the other section (12 or 14), wherein the either section "fits" within the other section. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to rearrange the ramp sections of Sherrer et al., in view of Renze et al., such that an upper ramp section is dimensionally smaller than a lower ramp section (when in the folded position), as taught by Schomaker et al., in order to facilitate folding and unfolding the ramp assembly. See Schomaker et al. col. 3, Ins. 24-39.

5. Claims 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sherrer et al. # 6,722,721 B2 in view of Beard # 4,606,090.

Sherrer et al., discloses a portable, foldable ramp assembly having a plurality of nestable and extendable ramp panels (20A-D) attachable to a variety of elevated support surfaces, such as pickup truck, for use as a "tailgate ramp". See Figs. 2-4; but does not suggest providing the ramp assembly with wheels. However, Beard teaches it is desirable to provide portable ramp assemblies with ground engaging wheels (80), to

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facilitate deployment and use of the ramp assembly. See col. 3, Ins. 7-21; Figs. 1-3, 8.

Therefore, it would have been obvious to one ordinary skill in the art, at the time the invention was made to provide the portable ramp of Sherrer et al., with wheels, as taught by Beard, in order to improve mobility and utility.

6. Claims 3, 15, 16, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sherrer et al. # 6,722,721 in view of Estevez, Jr. # 5,287,579.

Sherrer et al. discloses a foldable ramp having a plurality of ramp sections of different dimensions, each ramp section having at least two longitudinally disposed reinforcing ribs, disposed at the peripheral, longitudinal edges of said ramp sections and terminating at said end plates. What Sherrer et al. does not disclose is providing reinforcing ribs within the interior of the ramp sections. However, Estevez, Jr. teaches it is desirable to provide foldable ramps (10) with longitudinally extending ribs (56, 66), which are laterally offset, with respect to longitudinally extending ribs (54, 64) of an adjacent ramp section. Each rib (54, 56, 64, 66) having a hinge-receiving hole therein, thus providing a reinforced attachment assembly between adjacent ramp sections.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the ramp assembly of Sherrer et al., with hinge receiving reinforcing ribs, as taught by Estevez, Jr., in order to increase the load strength of the ramp assembly. See Estevez, Jr. col. 2.

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7. Claims 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson # 3,352,440 in view of Sherrer et al. '721 and Estevez, Jr. '579.

Wilson discloses a portable, foldable ramp assembly comprising:

A plurality of ramp sections (15, 16) disposed longitudinally end to end.

Each ramp section further comprising:

A runway (28) with a top surface and a lower surface.

A hinge (19) with a hinge bar (29) passing through hinge holes in a plurality/series of hinge plates (19) connecting each pair of adjacent ramp sections in said end to end fashion.

End members (27) disposed transverse to the longitudinal axis of the ramp assembly, at the ends of said ramp sections (15, 16). Wherein adjacent end members directly abut against one another, such that load forces are conveyed through abutted sections to ramp ends (20, 22).

Wherein, said hinge (19) comprises a hinge ear (19) to connect abutting section ends are disposed under section runway lower surfaces such that all sections curl together in a same 1<sup>st</sup> direction of rotation to fold and uncurl in a second direction of rotation opposite said 1<sup>st</sup> direction to unfold said ramp assembly. Further wherein a runway undersurface of a 1<sup>st</sup> section (15) at a ramp 1<sup>st</sup> end folding into parallel face to face opposition with a runway undersurface of an adjacent ramp section, forming a pair of ramp sections. The ramp sections further comprising vertical panels (26) on ramp section lateral sides from which the hinge ears and hinge plates extend.



Further wherein said ramp sections further comprise interior, longitudinally-extending reinforcing ribs (26), terminating in longitudinal abutment with said end members (27), with said hinge bar passing through rib holes longitudinally between the section end members at an upper end of said lower section and with rib hinge ears on a lower end of said upper section extending from the ribs beyond the end member at said lower end of said upper section to said hinge bar passing through said rib holes in said upper end of said lower section. Wherein said interior reinforcing ribs divide the ramp section runways into inner and outer surfaces.

What Wilson does not disclose is the use of more than two ramp sections. However, Sherrer et al. teaches portable, foldable ramps are advantageously provided with multiple pairs of hinged ramp sections (20A-D), which are foldable in a nested manner. See Figs. 1-4. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to make the portable ramp of Wilson from multiple pairs of hinged ramp sections, as taught by Sherrer et al., in order to increase the working length of the ramp assembly.

What Wilson in view of Sherrer et al. do not disclose is offsetting the longitudinally reinforcing ribs. However, Estevez, Jr. teaches it is desirable to provide foldable ramps (10) with longitudinally extending ribs (56, 66), which are laterally offset, with respect to longitudinally extending ribs (54, 64) of an adjacent ramp section. Each rib (54, 56, 64, 66) having a hinge-receiving hole therein, thus providing a reinforced attachment assembly between adjacent ramp sections.

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Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide

the ramp assembly of Wilson in view of Sherrer et al., with laterally-offset, hinge-receiving, reinforcing ribs, as taught by Estevez, Jr., in order to increase the load strength of the ramp assembly. See Estevez, Jr. col. 2.

8. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson # 3,352,440 in view of Sherrer et al. '721 and Estevez, Jr. '579, as applied to claim 20 above, and further in view of Adams # 6,354,788.

Wilson in view of Sherrer et al. and Estevez, Jr. discloses essentially all that is claimed with respect to claim 20 above, but does not disclose providing the ramp sections with different top surfaces across the width of the ramp sections. However, Adams teaches it is known"

"Ramp deck 22 may be provided if desired with surface modifications to provide traction and facilitate the loading and unloading of equipment into the bed of the truck 10. For example, tread plates 44 with transversely extending treads may be installed on ramp deck 22. Other types of friction enhancements, such as, for example, serrated surface treatments may also be used". See Col. 3, Ins. 48-60.

Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the ramp assembly of Wilson in view of Sherrer et al. and Estevez, Jr. with traction surfaces, laterally disposed across the width of the ramp assembly, as taught by Adams, in order to facilitate loading and unloading wheeled equipment.

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9. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sherrer et al. # 6,722,721 B2 in view of Wilson # 3,352,440.

Sherrer et al., discloses a portable, foldable ramp assembly having a plurality of nestable and extendable ramp panels (20A-D), that pivot about respective hinge assemblies (26) to affect deployment and storage of the ramp assembly. What Sherrer et al. does not disclose is the use of "hinge ears". However, Wilson teaches foldable ramps are advantageously provided with downwardly extending hinge-pin-receiving brackets (19) disposed adjacent one another across the width of said foldable ramp assembly, such that a hinge pin (29) is disposed below and beyond a respective end member (27); in order to distribute load forces away from the abutting faces of said end members (27). See Col. 3, Ins. 7-30. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the portable ramp of Sherrer et al., with "hinge ears", as taught by Wilson, in order to increase the load strength, and accommodate live loads, applied to said ramp assembly during use.

#### ***Response to Amendment***

10. Applicant's amendment to the claims filed 5/13/05 has been acknowledged and has necessitated a new search of the prior art, which is the basis for the New Grounds of Rejections above.

#### ***Response to Arguments***

11. Applicant's arguments with respect to claims 1, 3-25 have been considered but

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are moot in view of the new ground(s) of rejection. However, since the 102(e) rejections of Claims 17, 18 has been maintained, Applicant's arguments in favor of claims 17, 18 are addressed below.

Applicant argues " Claim 17 has been amended to require reduction in size or all successive segments both longitudinally and transversely. Sherrer does not teach a reduction in transverse size between all adjacent segments".

However, the Examiner does not concur.

Although the preferred, illustrated embodiment in Fig. 1, shows ramp sections 20B, 20C as being of equal width, and that in Figs. 3 and 4 ramp sections 20C and 20D can be of similar dimensions, Col. 6, Ins. 16-24, clearly disclose these are alternative embodiments, wherein other embodiments can comprise ramp assemblies of distinctly different dimensions, to facilitate "nesting" of a smaller section within a larger section. Therefore, the arguments are not persuasive and the rejection is maintained.

### ***Conclusion***

**12. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

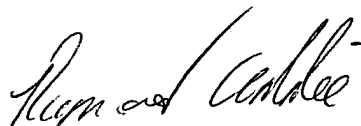
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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond W. Addie whose telephone number is 571 272-6986. The examiner can normally be reached on 6AM-2:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571 272-6998. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Raymond Addie**  
**Patent Examiner**  
**Group 3600**

7/21/05